

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-185528

DATE: April 12, 1976

MATTER OF: Republic Oil & Gas Corporation

DIGEST:

Protest against rejection of low bid as nonresponsive is rendered moot by action of Department of Labor in affirming contracting officer's determination that low bidder is not "regular dealer" under Walsh-Healey Act as such decision renders low bidder ineligible for award.

Republic Oil & Gas Corporation (Republic) has protested to our Office the rejection of its bid as being nonresponsive under invitation for bids (IFB) No. DSA600-76-B-1006, issued by the Defense Fuel Supply Center, Alexandria, Virginia.

Aside from the nonresponsiveness issue of the protest, our Office has been advised that the contracting officer has determined Republic not to be a "regular dealer" under the Walsh-Healey Public Contracts Act, 41 U.S.C. §§ 35-45 (1970). Following this determination, Republic appealed the decision to the Department of Labor, which, on March 25, 1976, affirmed the contracting officer's decision.

As the Walsh-Healey Act provides (with exceptions that are not relevant here) that every contract exceeding \$10,000 in amount entered into by any Government agency for the procurement of supplies shall contain a stipulation that the contractor is a manufacturer of, or a regular dealer in, such supplies, the Department of Labor decision has rendered Republic ineligible for award under the IFB. Our Office is without jurisdiction in this area since determinations by the Department of Labor are final. Indian Made Products Company, B-185290, November 20, 1975, 75-2 CPD 336.

Therefore, in view of Republic's ineligibility to receive an award, the protest is rendered moot and we are closing our file on the matter.

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